

Department of Planning and Zoning

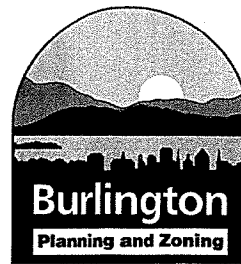
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TO: Development Review Board
FROM: Ryan Morrison
DATE: November 7, 2018
RE: 19-0295SD; 45 Grey Meadow Drive

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 4N

Owner/Representative: Joshua & Shanta Karson

Request: Combined preliminary & final plat review of a 2-lot subdivision; no proposed development.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 10 (Subdivision Review)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. The 15,003 sq ft property contains a single family residence and a small accessory structure (shed). The proposed subdivision will place the existing home and shed on Lot 1, and leave Lot 2 as vacant for future development.

The proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, to Burlington Electric, and to the Burlington School District as required. The Fire Marshall provided a response and has no specific comments or concerns with the proposal, and noted that any future construction will have to comply with the adopted fire and life safety codes of the State of Vermont and City of Burlington at the time of construction. No other comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for this property are noted below.

- **Zoning Permit 94-269;** construction of a single family home on an existing vacant lot. Approved January 4, 1994.

- **Non-Applicability of Zoning Permit 08-107NA**; replace existing asphalt roof with same material. Approved August 1, 2007.
- **Zoning Permit 08-719FC**; install a 4 ft white vinyl picket fence with gates in the rear yard. Approved May 16, 2008.

Recommendation: Consent Approval as per, and subject to, the findings and conditions below:

I. Findings

Article 2: Administrative Mechanisms

Part 7, Enforcement:

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There have been no violation notices placed on the property. There is, however, one permit (ZP08-719FC) that has not been closed out. **Affirmative finding as conditioned**

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The RL district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern of the respective neighborhood's development history. The property is located in the RL zone. The subdivision will result in the existing single family residence situating on Lot 1, and Lot 2 will be vacant. Both lots will exceed 6,000 sf in size (Lot 1: 8,918 sf and Lot 2: 6,084 sf), thus meeting the minimum lot size requirement for single family development. **Affirmative finding**

(b) Dimensional Standards & Density

The minimum lot size in the RL zone is 6,000 sf for a single family use, and 10,000 sf for a duplex use. Based on the proposed lot sizes, single family development will be the maximum allowable use.

Minimum lot frontage is 60 ft. Grey Meadow Drive turns around the property, creating a 'corner lot' appearance to the property. Proposed Lot 1 will be on this corner, and will have a combined frontage of 190.84 ft, and Lot 2 will have 73 ft of frontage.

Building setbacks of the RL zone require: a front yard setback to be the average of 2 adjacent lots on both sides, +/- 5 feet; a side yard setback of 10% of lot width; and a rear yard setback of 25% of lot depth. With the new property line separating Lot 1 from Lot 2, the side yard setback for the existing home will be 28 ft, well in excess of the minimum side yard setback requirement of 10.8 ft. The home on Lot 1 will maintain all other setbacks as existing. The relocated shed will have to comply with the setback standards of Sec. 5.2.5 (b) 5 CDO, which allows for 5 ft

minimum side and rear yard setbacks for accessory structures less than 15 ft in height. Future development on Lot 2 will have to comply with all setback requirements.

After the subdivision, lot coverage on Lot 1 will be 28%, below the maximum coverage allowance of 35%. Lot 2 will be vacant.

Building height is not applicable to this proposal; however, future development on Lot 2 will be limited to a height of 35 ft.

The resultant lots (Lot 1: 0.20 acres; Lot 2: 0.13 acres) are sufficiently large enough for single family density (7.0 units/acre) in RL zone. **Affirmative finding as conditioned**

(c) Permitted & Conditional Uses

No new construction is included in this proposal. Single family dwellings are permitted uses in the RL zone, while duplexes are conditional uses. Neither lot will be large enough ($\geq 10,000$ sf) to allow for a duplex. **Affirmative finding**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds...

The applicant intends to relocate the existing shed within the area of future Lot 1. Lot 1's lot coverage has been calculated to include this (28%). **Affirmative finding**

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.2, Required Frontage of Access

The existing lot has 263.84 ft of frontage on Grey Meadow Drive. After the subdivision, both lots will continue to have frontage on Grey Meadow Drive (Lot 1: 190.84 ft; Lot 2: 73 ft)

Affirmative finding

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable. The existing lot is 15,003 sq. ft. (less than 2 acres).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding**

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision itself will have no impact on important natural features. **Affirmative finding**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

Both lots will front on Grey Meadow Drive, with Lot 1 having two distinct frontages since Grey Meadow Drive turns and creates a ‘corner lot’ appearance. Lot sizes in this neighborhood vary generally between 8,000 and 15,000 sf. **Affirmative finding**

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.

The new property line dividing Lot 1 from Lot 2 is perpendicular to Grey Meadow Drive.

Affirmative finding

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2 (i), Vehicular Access

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety.

Lot 1 will be served by an existing curb cut. A new curb cut for Lot 2 will require Dept. of Public Works approval. **Affirmative finding**

Article 10: Subdivision Review

Sec. 10.1.7, Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project’s conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision is for two lots and thus qualifies to be considered in a combined hearing. **Affirmative finding**

Sec. 10.1.9, Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1” = 40’, and be on sheets sized 24” x 36” with one inch margins on three sides and a two inch margin on the side to be bound. The final plat plan will need to meet these scale and margin size requirements.

Affirmative finding as conditioned

(d) Review Criteria

1. *The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4*

See Article 4 of these findings.

3. *The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable*

See Article 5 of these findings.

4. *The land division and site development principles and design standards in Article 6.*

See Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar plat plan, all of the required endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **Affirmative finding as conditioned**

II. Conditions of Approval

1. **Within 180 days of the date of final approval**, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound.
 - b. A scale of 1" = 40'.
 - c. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final plat plan.
 - d. The relocated shed on Lot 1.
3. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
4. No new construction is included in this subdivision approval.
5. Standard permit conditions 1-15.